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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,127	10/03/2003	Wayne R. Lumpkin	AVID.20	2258

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EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,127

Applicant(s)

LUMPKIN, WAYNE R.

Examiner

Michael J Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-19 is/are rejected.
- 7) ☒ Claim(s) 7-9 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/04, 6/15/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed January 12, 2004, fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Specifically, a copy of WO 01/02239 has not been provided, and has not been considered. All other references on the IDS of 1/12/04 have been considered.

Claim Objections

2. Claims 1-20 are objected to because it is unclear if the compression member is being claimed in combination with the grip. As presently claimed, the claims are drawn only to the grip, as stated in the preamble of the claims. As best understood by the examiner, the compression member is intended to be claimed in combination with the grip. If this is the case, the preamble to the claims should be amended to clearly claim the combination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lard (U.S. Patent no. 1,218,091). Lard discloses a grip comprising a cylindrical liner (4) with first and second ends, and at least two elongate slots (9) extending along a lengthwise portion of the liner. Each slot overlaps part of another slot, and the slots are radially offset. An overmold (10) overlies a lengthwise segment of the liner (4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lard in view of Matey (U.S. Patent No. 4,466,309). Lard fails to disclose an elongate slot intersecting either of the first or second ends of the liner.

7. Matey discloses a grip assembling comprising a liner (6) and an overmold (2). The liner includes a slot (38) that intersects both a first and second end of the liner. This arrangement allows for radial flexibility of the liner, which allows the liner to be placed on different objects of different radial dimensions. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lard as taught by Matey, such that a first elongate slot intersects the first end of the liner, and a second elongate slot intersects the second end of the liner, in order to provide radial flexibility when applying the liner on an object.

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8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lard in view of JPO 05-200136 ("JP '136"). Lard fails to disclose the compression as claimed, but does state, "the parts may be pinned together or secured in any other suitable manner" (page 1, lines 101-102). JP '136 teaches a handle that is clamped to a surface by a compression member (13). The arrangement of JP '136 allows for the grip, or handle portion, to be easily attached and removed. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lard as taught by JP '136 in order to easily attach and remove the grip portion and liner. The combination will result in an axial segment of the cylindrical liner (4, of Lard) having an elongate slot (9) being associated with the compression member (13, of JP '136). The compression member is operable between a relaxed state not compressing the axial segment, and a compression state compression the axial segment about its circumference.

9. With respect to claim 6, Lard does not disclose a first elongate slot intersecting the first end of the liner. JP '136 shows a first elongate slot intersecting a first end of the grip. Intersecting the slot with the end of the grip allows for greater radial flexibility. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lard and Lo as taught by JP '136, in order to allow for greater radial flexibility. This combination results in the axial segment of Lard's liner having the first elongate slot.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lard in view of Maharg (U.S. Patent No. 5,494,178). Lard discloses the liner to be metallic, not a rigid polymer. However, Maharg discloses a support rod that can be made from a metal or a rigid polymer (column 4, lines 40-42), thereby establishing equivalence between the two materials. It would

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have been obvious to one having ordinary skill in the art at the time of the invention to modify Lard such that the liner is made of a rigid polymer, as rigid polymers and metallic materials are equivalent and interchangeable as taught by Maharg.

11. Claims 10, 11, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lard in view of Lo (U.S. Patent No. 4,837,892). With respect to claims 11 and 13, Lard discloses a grip comprising a cylindrical liner (4) with first and second ends, and having a plurality of elongate slots (9) extending axially thereon. The slots permit radial expansion. Lard also discloses an overmold (10), but is silent as to what it is made from.

12. Lo discloses a cushioned handle where the handle has an elastomeric overlay (6). Elastomers provide a comfortable, resilient, grip for a user. It would have been obvious to one having ordinary skill in the art at the time of the invention to construct the overmold of Lard from an elastomer, in order to provide a comfortable, resilient gripping portion to a user.

13. With respect to claims 11 and 16, Lard fails to disclose the overmold to fill the elongate slots. Lo discloses a cushioned handle with an overmold (6) that fills slots (21) in the handle in order to better adhere the overmold to the handle (column 2, lines 6-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lard as taught by Lo, such that the overmold portion fills the elongate slots, in order to better adhere the overmold to the liner.

14. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lard in view of Lo as applied to claim 13 above, and further in view of JP '136. Lard and Lo fail to

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disclose the compression member as claimed, although Lard does disclose “the parts may be pinned together or secured in any other suitable manner” (page 1, lines 101-102).

15. JP ‘136 teaches a handle that is clamped to a surface by a compression member (13). The arrangement of JP ‘136 allows for the grip, or handle portion, to be easily attached and removed. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lard as taught by JP ‘136 in order to easily attach and remove the grip portion and liner. The combination will result in an axial segment of the cylindrical liner (4, of Lard) having an elongate slot (9) being associated with the compression member (13, of JP ‘136). The compression member is operable between a relaxed state not compressing the axial segment, and a compression state compression the axial segment about its circumference.

16. With respect to claim 15, neither Lard nor Lo disclose a first elongate slot intersecting the first end of the liner. JP ‘136 shows a first elongate slot intersecting a first end of the grip. Intersecting the slot with the end of the grip allows for greater radial flexibility. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lard and Lo as taught by JP ‘136, in order to allow for greater radial flexibility. This combination results in the axial segment of Lard’s liner having the first elongate slot.

17. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lard in view of Lo as applied to claim 13 above, and further in view of Maharg. Lard discloses the liner to be metallic, not a rigid polymer. However, Maharg discloses a support rod that can be made from a metal or a rigid polymer (column 4, lines 40-42), thereby establishing equivalence between the two materials. It would have been obvious to one having ordinary skill in the art at the time of

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the invention to modify Lard such that the liner is made of a rigid polymer, as rigid polymers and metallic materials are equivalent and interchangeable as taught by Maharg.

18. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lard in view of JP '136 and Lo. Lard discloses a cylindrical liner (4) with first and second ends, and a plurality of elongate slots (9). The slots permit radial expansion of the liner. An overmold 10 is placed of the liner. Lard does not disclose a first elongate slot intersecting the first end of the liner, a compression member, or the overmold to be an elastomer.

19. JP '136 shows a first elongate slot intersecting a first end of the grip. Intersecting the slot with the end of the grip allows for greater radial flexibility. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lard as taught by JP '136, in order to allow for greater radial flexibility. This combination results in the axial segment of Lard's liner having the first elongate slot.

20. JP '136 teaches a handle that is clamped to a surface by a compression member (13). The arrangement of JP '136 allows for the grip, or handle portion, to be easily attached and removed. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lard as taught by JP '136 in order to easily attach and remove the grip portion and liner. The combination will result in an axial segment of the cylindrical liner (4, of Lard) having an elongate slot (9) being associated with the compression member (13, of JP '136). The compression member is operable between a relaxed state not compressing the axial segment, and a compression state compression the axial segment about its circumference.

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21. Lo discloses a cushioned handle where the handle has an elastomeric overlay (6).

Elastomers provide a comfortable, resilient, grip for a user. It would have been obvious to one having ordinary skill in the art at the time of the invention to construct the overmold of Lard from an elastomer, in order provide a comfortable, resilient gripping portion to a user.

22. With respect to claim 19, Lard discloses the elongate slots (9) to be disposed with a first set of at least two slots along a first axial line, and a second set along a second axial line. The first and second lines are radially offset. The first set of slots overlaps the second set.

Allowable Subject Matter

23. Claims 7-9, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to handle assemblies: Lard (U.S. Patent No. 1,232,816), Jones, Hauser et al, Erb (U.S. Patent No. 5,259,610), Erb (U.S. Patent No. 5,342,046), Allen, and Ku.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.


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26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk

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